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Message Text

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O 090105Z MAY 74 ZFF4
FM SECSTATE WASHDC
TO AMCONSUL JERUSALEM IMMEDIATE

C O N F I D E N T I A L STATE 071363

TOSEC 434 SECRETARY'S PARTY FOR SISCO, ATHERTON AND MAW

FOLLOWING REPEAT STATE 071363 SENT ACTION CAIRO LONDON INFO SECDEF JCS DATED APR 9.

QUOTE

C O N F I D E N T I A L STATE 071363

E.O. 11652: GDS
TAGS: EG, UK, PFOR, MARR, EAID
SUBJECT: SUEZ CANAL CLEARANCE AGREEMENT

1. FOLLOWING IS TEXT OF AGREEMENT WE INTEND TO PROPOSE TO GOE AS FRAMEWORK FOR US ASSISTANCE IN CLEARANCE OF MINES AND ORDNANCE FROM THE SUEZ CANAL AND VICINITY, INCLUDING PROVISIONS RE STATUS-OF-FORCES. NO ACTION SHOULD BE TAKEN PENDING RECEIPT OF SEPTEL INSTRUCTIONS FOR ACTION ADDRESSEES TO DELIVER TEXT TO GOE AND HMG.

2. BEGIN TEXT: I HAVE THE HONOR TO REFER TO THE RECENT DISCUSSIONS BETWEEN OUR GOVERNMENTS REGARDING THE PROPOSED ASSISTANCE BY THE UNITED STATES IN THE CLEARANCE OF MINES AND UNEXPLODED ORDNANCE FROM THE SUEZ CANAL, AND TO PROPOSE THAT SUCH ASSISTANCE BE GOVERNED BY THE FOLLOWING AGREEMENT:
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1. THE GOVERNMENT OF THE UNITED STATES WILL, SUBJECT TO THE AVAILABILITY OF FUNDS, AND OTHERWISE IN ACCORDANCE WITH THE LAWS OF THE UNITED STATES, ASSIST IN THE CLEARANCE OF THE SUEZ CANAL AS FOLLOWS:

A. A SPECIAL UNITED STATES FORCE (HEREINAFTER REFERRED TO AS THE "FORCE") ESTABLISHED FOR THESE PURPOSES SHALL, IN COOPERATION WITH THE APPROPRIATE AUTHORITIES OF THE ARAB REPUBLIC OF EGYPT AND, AS MAY BE AGREED, THE ARMED FORCES OF HE UNITED KINGDOM, CARRY OUT MINESWEEPING OPERATIONS IN THE SUEZ CANAL.

B. THE FORCE SHALL ALSO PROVIDE TRAINING AND ADVISORY ASSISTANCE TO PERSONNEL OF THE ARAB REPUBLIC OF EGYPT WITH A VIEW TO ENABLING THE LATTER TO CARRY OUT DETECTION AND DISPOSAL OF UNEXPLODED ORDNANCE SITUATED IN OR ADJACENT TO THE SUEZ CANAL, BUT THE FORCE SHALL NOT ITSELF CARRY OUT SUCH OPERATIONS.

C. THE PROVISIONS OF THIS AGREENENT GOVERNING THE PRESENCE OF THE FORCE IN THE ARAB REPUBLIC OF EGYPT SHALL BE APPLICABLE UNTIL THE TERMINATION OF THE ACTIVITIES

OF THE FORCE REFERRED TO IN SUB-PARAGRAPHS A AND B ABOVE AND THE CONSEQUENT DEPARTURE OF THE FORCE.

2. THE ROVERNMENT OF THE ARAB REPUBLIC OF EGYPT WILL PROVIDE SUCH ASSISTANCE AS MAY BE NECESSARY FOR THE SAFETY OF THE FORCE AND ITS MEMBERS IN CARRYING OUT THE ACTIVITIES REFERRED TO IN PARAGRAPH 1.

3. THE GOVERNMENT OF THE UNITED STATES WILL MAKE EVERY EFFORT TO ENSURE THAT THE ACTIVITIES OF THE FORCE REFERRED TO IN PARAGRAPH 1 AR CARRIED OUT IN SUCH A MANNER AS TO RENDER THE SUEZ CANAL AND ITS ENVIRONS SAFE FOR FURTHER CLEARANCE ACTIVITIES AND SUBSEQUENT OPERATION; HOWEVER, THE GOVERNMENT OF THE UNITED STATES CANNOT GUARANTEE THAT ALL HAZARDOUS OBJECTS WILL BE LOCATED AND REMOVED OR RENDERED HARMLESS.
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4. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT WAIVES ANY AND ALL CLAIMS AGAINST THE GOVERNMENT OF THE UNITED STATES, AND AGREES TO INDEMNIFY AND HOLD HARMLESS THE GOVERNMENT OF THE UNITED STATES AGAINST ANY AND ALL CLAIMS BY OTHERS, WHETHER GOVERNMENTS OR PRIVATE PARTIES, ARISING OUT OF ANY ACTS OR OMISSIONS OF THE GOVERNMENT OF THE UNITED STATES, THE FORCE OR ITS MEMBERS IN THE

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CONDUCT OF THE ACTIVITIES REFERRED TO IN PARAGRAPH 1.

5. IN ACCORDANCE WITH SUCH PROCEDURES AS MAY BE ESTAB-
LISHED UNDER PARAGRAPH 9 HEREOF:

A. VESSELS AND AIRCRAFT ASSIGNED TO OR SUPPORTING
THE FORCE MAY FREELY ENTER AND DEPART TERRITORIAL WATERS,
PORTS AND AIRFIELDS OF THE ARAB REPUBLIC OF EGYPT,
WITHOUT PAYMENT OF FEES OR CHARGES.

B. MEMBERS OF THE FORCE WILL BE ALLOWED FREEDOM OF
MOVEMENT WIHIN THE ARAB REPUBLIC OF EGYPT, OTHER THAN
AREAS THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT MAY
DESIGNATE AS RESTRICTED AREAS, AND FREEDOM OF ENTRY TO AND
EGRESS FROM THE ARAB REPUBLIC OF EGYPT.

6. MEMBERS OF THE FORCE WILL RESPECT THE LAWS, CUSTOMS
AND TRADITIONS OF THE ARAB REPUBLIC OF EGYPT, AND WILL
ABSTAIN FROM ACTIVITY INCONSISTENT WITH THE SPIRIT OF THIS
AGREEMENT. THE GOVERNMENT OF THE UNITED STATES SHALL
TAKE NECESSARY MEASURES TO THAT END.

7. MEMBERS OF THE FORCE SHALL BE IMMUNE FROM THE CRIMINAL,
CIVIL AND ADMINISTRATIVE JURISDICTION OF THE ARAB REPUBLIC

OF EGYPT UNLESS, IN A PARTICULAR CASE, THE GOVERNMENT OF
THE UNITED STATES ELECTS IN WRITING TO WAIVE SUCH IMMUNITY.
THE FORCE AND ITS MEMBERS, AND PROPERTY BELONGING TO
EITHER, SHALL BE EXEMPT FROM ALL FORMS OF TAXATION,
CUSTOMS, AND OTHER REGULATIONS, EXCEPT AS MAY BE AGREED
PURSUANT TO PARAGRAPH 9.

8. THE TERM "MEMBERS OF THE FORCE" MEANS MEMBERS OF
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THE ARMED FORCES OF THE UNITED STATES AND PERSONS SERVING
WITH OR EMPLOYED BY THE SAID ARMED FORCES, INCLUDING
CONTRACTOR PERSONNEL, WHILE IN THE ARAB REPUBLIC OF EGYPT
IN CONNECTION WITH THE ACTIVITIES REFERRED TO IN PARAGRAPH
1 ABOVE. ALL MEMBERS OF THE FORCE SHALL BE FURNISHED

WITH APPROPRIATE IDENTIFICAION WHICH SHALL BE PRODUCED,
UPON DEMAND, TO THE APPROPRIATE AUTHORITIES OF THE ARAB
REPUBLIC OF EGYPT.

9. SUPPLEMENTARY ARRANGEMENTS BETWEEN THE APPROPRIATE
AUTHORIIES OF THE TWO GOVERNMENTS MAY BE ENTERED INTO
AS REQUIRED TO CARRY OUT THE PURPOSES OF THIS AGREEMENT.

IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF THE

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ARAB REPUBLIC OF EGYPT, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR NOTE IN REPLY CONFIRMING ACCEPTANCE WILL CONSTITUTE AN AGREEMENT BETWEEN OUR RESPECTIVE GOVERNMENTS.

ACCEPT EXCELLENCY, THE ASSURANCE OF MY HIGHEST CONSIDERATION. RUSH UNQUOTE RUSH

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